IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1014 of 2004

Between:

1 P. Vema Reddy, S/o. Kista Reddy,
Working as Gezetted Head Master, Z.P.H.S. Ippaturu,

Nawabpet Mandal, Mahaboobnagar District.
2 N.Krishnaiah, S/o Sanjeevaiah,

Gazetted Head Master, Z.P.H.S. Kothalabad,
Mahaboobnagar District.
3 Bahadur Ali, S/o. Md. Hussain,
Working as Gezetted Head Master, Z.P.H.S. Pedda Adirala,

Mahaboobnagar District.
4 F.R.Khan, S/o. Abdul Kareem Khan,
School Assistant (Science) Govt. High School, Hanwada,
Mahaboobnagar District.
5 L. Gnanamba, D/o. L. Narayana,
School Asst. (Science) Z.P.H.S., Nawabpet, Mahaboobnagar

District.

..... PETITIONERS.

AND

1 The Government of A.P. rep., by its Principal Secretary,
School Education Department, Secretariat, Hyderabad.
2 The Director of School Education, Govt. of A.P., Hyderabad.
3 Regional Joint Director of School Education, Govt. of A.P.

Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction especially one in the nature of Writ of Certiorari calling for the records pertaining to O.A.No. 7668/2003 and batch and its order dated 2-12-2003 of Hon'ble A.P. Administrative Tribunal and quash the same so far as it directs the respondents to review the transfers within 4 months and at any rate before the re-opening of the schools for the next academic year and further declare that the proceedings issued in Memo No. 17970/Ser.II(1)/2003-1 dated 13-11-2003 is illegal, arbitrary and discriminatory violative of Articles 14 and 16 of the Constitution of India and contrary to Presidential order.

Counsel for the Petitioners:MR.M.SURENDER RAO

Counsel for the Respondents : GP FOR SERVICES I

WRIT PETITION NO : 2776 of 2004

Between:

S. Madhavi D/o. Madhava Rao, SGT., MPPS,
V.V.Palem, Khammam Urban [Mandal], Khammam District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep., by its Principal, Secretary,

Education Department, Secretariat, Hyderabad.
2 Commissioner and Director of School Education, Hyderabad.
3 The District Educational Officer, Khammam District.
4 Y. Narmada, W/o…. and age not Known, SGT., ZPSS
Pedda Mandu, Mudigubba [M], Khammam District.
5 Y. Padma, W/o. and age not Known, SGT ZPSS
Bayyaram, Bayyaram [M], Khammam District.
6 V. Nagasri, W/o. and age not Known, SGT., ZPSS
D.P.E.P.School, Lenin Nagar, Khammam District.
7 B.Kamala, W/o. and age not Known, SA [P.S.]
Z.P.H.S., Dammapet, Khammam District.
8 M. Srinivasa Rao, S/o. and age not Known, SGT., ZPSS
P.S. Chintaguppa, Dummugudem [m], Khammam District.
9 Matta Srinivasa Rao, S/o. and age not Known, SGT., ZPSS
Dummugudem [mandal] Khammam District.
10 Rebba Srinivasa Rao, S/o. and age not Known, SGT. , ZPSS
P.S.Nagaram, Garla [M] Khammam District
11 J. Padmavathi, S/o. and age not Known, SGT., ZPSS
Bayyaram, Bayyaram [m] Khammam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction especially one in the nature of Writ of Certiorari calling for records pertaining to O.A.No.7669 of 2003 and batch and its order dated 2.12.2003 of Hon'ble A.P.Administrative Tribunal and quash the same so far as it directs the respondents to review the transfers within 4 months and at any rate before the re-opening of the Schools for the next academic year and further declare that the proceedings issued in Memo No.18006/Ser.VI-1/2003 dated 13.11.2003 is illegal, arbitrary and discriminatory violative of Articles 14 and 16 of the Constitution of India and contrary to Presidential order.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following :

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COMMON ORDER: (Per Sri GB,J)

Both the writ petitions can be disposed of by a common order.

2. The principal grievance of the petitioners in these cases is that by virtue of the orders passed by this Court in W.P.No.11325 of 2000 and batch dated 08-09-2003, the petitioners have to be sent back to the Government Schools. Since, the action was not taken, the petitioners filed O.A.No.7669 of 2003 and batch. The said O.As. were disposed of directing the Government to review the matters but however the Tribunal failed to set aside the orders passed by the Government dated 13-11-2003. To that limited extent, the writ petitions have been filed.

3. The learned Government Pleader however submits that the order of this Court in W.P.No.11325 of 2000 is carried before the Supreme Court by way of S.L.P. and the same is pending for admission. Under those circumstances, the learned Government Pleader submits that the Government is not in a position to decide the

matter at this juncture.

4. We have heard the learned counsel for the petitioners and the learned Government Pleader for respondents.

5. We are not in a position to accept the contention raised by the learned Government Pleader. When once the writ petition was allowed and the statutory rules were quashed, it is incumbent on the part of the Government to send the petitioners to the Government Schools until and unless there is stay granted by the Supreme Court. Inasmuch as no stay was granted, it is necessary that the petitioners should be sent back to the Government Schools. However, it will be left open to the Government to review the matter again after the appeal is decided by the Supreme Court. Inasmuch as no orders were granted by the Supreme Court, we find that the Tribunal ought to have set aside the order of the Government dated 13-11-2003. Accordingly, the order dated
13-11-2003 to the extent of the petitioners is set aside and
the respondents are directed to transfer the petitioners from the Zilla Parishad Schools to the Government Schools within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ Petitions are accordingly allowed. No costs.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

27th December, 2004.

Chvn/Prv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Monday, the Twenty seventh day of December, Two thousand and four.

ASSISTANT REGISTRAR.

To

1 The Principal Secretary,Government of A.P.
School Education Department, Secretariat, Hyderabad.
2 The Director of School Education, Govt. of A.P., Hyderabad.
3 The Regional Joint Director of School Education, Govt. of A.P.

Hyderabad.

4 Two C.Cs. to the G.P. for Services-I, High Court Buildings,

Hyderabad (OUT).

5 Two C.D. copies.